

AMENDED IN ASSEMBLY APRIL 27, 1999

AMENDED IN ASSEMBLY APRIL 21, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

## ASSEMBLY BILL

**No. 1482**

**Introduced by Assembly Member Alquist**

**(Coauthors: Assembly Members *Cardoza*, *Cunneen*, *Honda*,  
*Keeley*, *Lempert*, ~~—and—~~ *Longville* *Longville*, *Olberg*, and  
*Oller*)**

(Coauthors: Senators *Chesbro*, *McPherson*, and  
*Vasconcellos*)

February 26, 1999

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An act to amend ~~Section~~ *Sections 31108, 31752, 31752.5, and 31754* of the Food and Agricultural Code, and to amend Section 21 of Chapter 752 of the Statutes of 1998, relating to animals, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1482, as amended, Alquist. Stray animals: impounding requirements: operative date.

Under existing law, on and after July 1, 1999, any stray dog or cat impounded by a public pound or specified shelter will be required to be held for at least 4 or 6 business days, as specified, before being killed. Under existing law, on and after July 1, 1999, and until July 1, 2001, any animal relinquished to a public pound or specified shelter by its owner will be

required to be held for at least 2 full business days, as specified, before being killed.

This bill would require, on or after July 1, 1999, and until July 1, 2001, ~~any stray animal, and~~ any animal relinquished by the purported owner, to be held for 2 full business days, as specified, before being killed, except that the bill would, with respect to a pound or shelter that contracted, on or before December 31, 1998, with a public entity to provide animal shelter services, apply that provision only on and after July 1, 2000. The bill would make the provision regarding a stray dog or cat to be held for at least 4 or 6 business days operative on July 1, 2000. *The bill would, until, July 1, 2000, require a pound or shelter that contracted on or before December 31, 1998, with a public entity to provide animal shelter services, with respect to services from the operative date of the bill until the end of the contract, to hold a stray dog or cat or feral cat for 72 hours, except as specified.*

The bill would declare that it would take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. *Section 31108 of the Food and*  
2 *Agricultural Code is amended to read:*

3 31108. (a) ~~The~~ *Except as specified in subdivision (c),*  
4 *the* required holding period for a stray dog impounded  
5 pursuant to this division shall be six business days, not  
6 including the day of impoundment, except as follows:

7 (1) If the pound or shelter has made the dog available  
8 for owner redemption on one weekday evening until at  
9 least 7:00 p.m. or one weekend day, the holding period  
10 shall be four business days, not including the day of  
11 impoundment.

12 (2) If the pound or shelter has fewer than three  
13 full-time employees or is not open during all regular  
14 weekday business hours, and if it has established a  
15 procedure to enable owners to reclaim their dogs by  
16 appointment at a mutually agreeable time when the

1 pound or shelter would otherwise be closed, the holding  
2 period shall be four business days, not including the day  
3 of impoundment.

4 Except as provided in Section 17006, stray dogs shall be  
5 held for owner redemption during the first three days of  
6 the holding period, not including the day of  
7 impoundment, and shall be available for owner  
8 redemption or adoption for the remainder of the holding  
9 period.

10 (b) Any stray dog that is impounded pursuant to this  
11 division shall, prior to the killing of that animal for any  
12 reason other than irremediable suffering, be released to  
13 a nonprofit, as defined in Section 501(c)(3) of the  
14 Internal Revenue Code, animal rescue or adoption  
15 organization if requested by the organization prior to the  
16 scheduled killing of that animal. In addition to any  
17 required spay or neuter deposit, the pound or shelter, at  
18 its discretion, may assess a fee, not to exceed the standard  
19 adoption fee, for animals released.

20 (c) (1) *Before July 1, 2000, a pound or shelter that*  
21 *contracted on or before December 31, 1998, with a public*  
22 *entity to provide animal shelter services, with respect to*  
23 *services from the operative date of this section until the*  
24 *end of the contract, may not kill any impounded stray dog*  
25 *before 72 hours have elapsed from the time of the taking*  
26 *up of the dog, unless the pound or shelter determines that*  
27 *the dog is irremediably suffering from a serious illness, or*  
28 *is a dog that requires maternal care that has been*  
29 *impounded without its mother.*

30 (2) *On and after July 1, 2000, subdivision (a) shall*  
31 *apply to a pound or shelter described in paragraph (1).*

32 SEC. 2. *Section 31752 of the Food and Agricultural*  
33 *Code is amended to read:*

34 31752. (a) ~~The~~ *Except as specified in subdivision (c),*  
35 *is required holding period for a stray cat impounded*  
36 *pursuant to this division shall be six business days, not*  
37 *including the day of impoundment, except as follows:*

38 (1) *If the pound or shelter has made the cat available*  
39 *for owner redemption on one weekday evening until at*  
40 *least 7:00 p.m. or one weekend day, the holding period*

1 shall be four business days, not including the day of  
2 impoundment.

3 (2) If the pound or shelter has fewer than three  
4 full-time employees or is not open during all regular  
5 weekday business hours, and if it has established a  
6 procedure to enable owners to reclaim their cats by  
7 appointment at a mutually agreeable time when the  
8 pound or shelter would otherwise be closed, the holding  
9 period shall be four business days, not including the day  
10 of impoundment.

11 Except as provided in Sections 17006 and 31752.5, stray  
12 cats shall be held for owner redemption during the first  
13 three days of the holding period, not including the day of  
14 impoundment, and shall be available for owner  
15 redemption or adoption for the remainder of the holding  
16 period.

17 (b) Any stray cat that is impounded pursuant to this  
18 division shall, prior to the killing of that animal for any  
19 reason other than irremediable suffering, be released to  
20 a nonprofit, as defined in Section 501(c)(3) of the  
21 Internal Revenue Code, animal rescue or adoption  
22 organization if requested by the organization prior to the  
23 scheduled killing of that animal. In addition to any  
24 required spay or neuter deposit, the pound or shelter, at  
25 its discretion, may assess a fee, not to exceed the standard  
26 adoption fee, for animals released.

27 (c) (1) *Before July 1, 2000, a pound or shelter that*  
28 *contracted on or before December 31, 1998, with a public*  
29 *entity to provide animal shelter services, with respect to*  
30 *services from the operative date of this section until the*  
31 *end of the contract, may not kill any impounded stray cat*  
32 *before 72 hours have elapsed from the time of the taking*  
33 *up of the cat, unless the pound or shelter determines that*  
34 *the cat is irremediably suffering from a serious illness, or*  
35 *is a cat that requires maternal care that has been*  
36 *impounded without its mother.*

37 (2) *On and after July 1, 2000, subdivision (a) shall*  
38 *apply to a pound or shelter described in paragraph (1).*

39 SEC. 3. *Section 31752.5 of the Food and Agricultural*  
40 *Code is amended to read:*

1 31752.5. (a) The Legislature finds and declares the  
2 following:

3 (1) Domestic cats' temperaments range from  
4 completely docile indoor pets to completely unsocialized  
5 outdoor cats that avoid all contact with humans.

6 (2) "Feral cats" are cats with temperaments that are  
7 completely unsocialized, although frightened or injured  
8 tame pet cats may appear to be feral.

9 (3) Some people care for or own feral cats.

10 (4) Feral cats pose particular safety hazards for shelter  
11 employees.

12 (5) It is cruel to keep feral cats caged for long periods  
13 of time; however, it is not always easy to distinguish a feral  
14 cat from a frightened tame cat.

15 (b) For the purposes of this section, a "feral cat" is  
16 defined as a cat without owner identification of any kind  
17 whose usual and consistent temperament is extreme fear  
18 and resistance to contact with people. A feral cat is totally  
19 unsocialized to people.

20 (c) Notwithstanding Section 31752, *except as specified*  
21 *in subdivision (d)*, if an apparently feral cat has not been  
22 reclaimed by its owner or caretaker within the first three  
23 days of the required holding period, shelter personnel  
24 qualified to verify the temperament of the animal shall  
25 verify whether it is feral or tame by using a standardized  
26 protocol. If the cat is determined to be docile or a  
27 frightened or difficult tame cat, the cat shall be held for  
28 the entire required holding period specified in Section  
29 31752. If the cat is determined to be truly feral, the cat  
30 may be euthanized or relinquished to a nonprofit, as  
31 defined in Section 501(c)(3) of the Internal Revenue  
32 Code, animal adoption organization that agrees to the  
33 spaying or neutering of the cat if it has not already been  
34 spayed or neutered. In addition to any required spay or  
35 neuter deposit, the pound or shelter, at its discretion, may  
36 assess a fee, not to exceed the standard adoption fee, for  
37 the animal released.

38 (d) (1) *Before July 1, 2000, a pound or shelter that*  
39 *contracted on or before December 31, 1998, with a public*  
40 *entity to provide animal shelter services, with respect to*

1 *services from the operative date of this section until the*  
2 *end of the contract, shall treat a feral cat in the same*  
3 *manner as required in Section 31752.*

4 (2) *On and after July 1, 2000, subdivision (c) shall*  
5 *apply to a pound or shelter described in paragraph (1).*

6 SEC. 4. Section 31754 of the Food and Agricultural  
7 Code, as added by Section 16 of Chapter 752 of the  
8 Statutes of 1998, is amended to read:

9 31754. (a) Except as provided in subdivision (b) and  
10 in Section 17006, any animal relinquished by the  
11 purported owner, ~~and any stray animal~~, that is of a species  
12 impounded by pounds or shelters shall be held for two full  
13 business days, not including the day of impoundment.  
14 The animal shall be available for owner redemption for  
15 the first day, not including the day of impoundment, and  
16 shall be available for owner redemption or adoption for  
17 the second day. After the second required day, the animal  
18 may be held longer, killed, or relinquished to a nonprofit,  
19 as defined in Section 501(c)(3) of the Internal Revenue  
20 Code, animal adoption organization under the same  
21 conditions and circumstances provided for stray dogs and  
22 cats in Sections 31108 and 31752.

23 (b) With respect to a pound or shelter that contracted,  
24 on or before December 31, 1998, with a public entity to  
25 provide animal shelter services, subdivision (a) shall only  
26 apply on and after July 1, 2000.

27 (c) This section shall become operative on July 1, 1999.  
28 This section shall become inoperative on July 1, 2001, and,  
29 as of January 1, 2002, is repealed, unless a later enacted  
30 statute that is enacted before January 1, 2002, deletes or  
31 extends the dates on which it becomes inoperative and is  
32 repealed.

33 ~~SEC. 2.~~

34 SEC. 5. Section 21 of Chapter 752 of the Statutes of  
35 1998 is amended to read:

36 Sec. 21. Sections 12 and 13 of this act shall become  
37 operative on July 1, 2000.

38 ~~SEC. 3.~~

39 SEC. 6. This act is an urgency statute necessary for  
40 the immediate preservation of the public peace, health,

1 or safety within the meaning of Article IV of the  
2 Constitution and shall go into immediate effect. The facts  
3 constituting the necessity are:

4 In order to ensure that local pounds and shelters that  
5 provide animal shelter services to public agencies may  
6 continue to operate in order to protect the public health,  
7 safety, and welfare while making arrangements to  
8 implement or otherwise respond to the provisions of  
9 Chapter 752 of the Statutes of 1998, it is necessary that this  
10 act take effect immediately.

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